

REMARKS

Claims 1-32 have been restricted under 35 U.S.C. § 121 and 372 among the following groups:

Group I, claims 1-11, 16-27 and 32 drawn to isolated nucleic acids encoding cassava starch branching enzymes and methods for their use to produce transformed plants with inhibited starch branching enzyme activity and altered starch;

Group II, claims 12-15, drawn to isolated starch branching enzymes from cassava and a method for their use for *in vitro* starch modification; and

Group III, claims 28-31, drawn to isolated starch.

Applicants provisionally elect Group I with traverse.

The Examiner states that the "different inventions have different modes of operation and different functions" and thus are separate and distinct. The logic used is that the "isolated nucleic acid molecules and methods for plant transformation ... require isolated nucleic acids, methods for plant transformation and regeneration," "the isolated protein and methods for its use ... require isolated proteins and methods for cell-free *in vitro* starch modification," and "the isolated, already modified starch" are each "not required by any other group." Applicants disagree.

The nucleic acid sequence of Group I encodes the polypeptides of Group II and the starches of Group III are obtainable from a plant of Group I. Thus, the inventions are not separate and distinct.

In view of the foregoing, Applicant respectfully requests that the restriction be withdrawn and the entire application examined on the merits.

Respectfully submitted,



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